

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-20006-09-BC  
Honorable Thomas L. Ludington

DANYELL SOMMER,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT'S PLEA OF GUILTY AS TO COUNT TWO, AND TAKING THE RULE  
11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on September 21, 2009, by United States Magistrate Judge Charles E. Binder pursuant to the defendant's consent. The magistrate judge issued his report on September 22, 2009, recommending that this Court accept the defendant's guilty plea. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court, however, agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 118] is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea as to count two is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 102] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: November 4, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 4, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS